

1

2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF NEW YORK

5 -----X
6 EAST END ERUV ASSSOCIATION,
7 INC., et al., : CV 11-0213
8 Plaintiffs, :
9 -against- : United States Courthouse
10 : Central Islip, New York
11 THE VILLAGE OF WESTHAMPTON
12 BEACH, et al., : February 4, 2013
13 Defendants. : 10:30 a.m.
14 -----X
15 VERIZON NEW YORK, INC. and
16 LONG ISLAND LIGHTING COMPANY
17 d/b/a LIPA, : CV 11-0252
18 Plaintiffs, :
19 -against- :
20 THE VILLAGE OF WESTHAMPTON
21 BEACH, THE VILLAGE OF QUOGUE
22 And THE TOWN OF SOUTHAMPTON, :
23 Defendants. :
24 -----X
25 JEWISH PEOPLE FOR THE BETTERMENT
OF WESTHAMPTON BEACH, et al., : CV 12-3760
26 Plaintiffs, :
27 -against- :
28 THE VILLAGE OF WESTHAMPTON
29 BEACH, et al., :
30 Defendants. :
31 -----X
32 TRANSCRIPT OF PROCEEDINGS
33 BEFORE THE HONORABLE LEONARD D. WEXLER
34 UNITED STATES DISTRICT COURT JUDGE

Proceedings - Quogue

1 therefore suggest to your Honor that you can decide both
2 issues, and issue a preliminary injunction with respect to
3 the Village of Quogue. Thank you.

14

4 THE COURT: Okay.

5 MS. DEJONG: Your Honor, the Village of Quogue
6 disagrees there is a final determination by the Village of
7 Quogue.

8 THE COURT: The Village of Quogue has rendered a
9 decision though.

10 MS. DEJONG: It has rendered a decision, your
11 Honor, and by means of your preliminary injunction
12 decision encouraged and directed the plaintiff to go to
13 the villages to make an application.

14 Well, the plaintiff didn't continue that
15 application. There's an appeal process, and that appeal
16 process involves an Article 78 proceeding.

17 The Wilson case we cited advises the plaintiff
18 has to go to an appeal proceeding. In this case, the
19 plaintiff has not made any steps by way of an Article 78.

20 As we've argued all along, your Honor, this
21 issue is more a local and state issue, and the plaintiff
22 is trying to circumvent the administrative process by
23 coming to this Court and saying it is a final decision.

24 Your Honor, it's a final decision in terms of
25 case law --

Proceedings - Quogue

15

1 THE COURT: Counsel, I disagree with you. I
2 think it is a final decision. So now what do we do.

3 MS. DEJONG: So your Honor is saying that the
4 plaintiff doesn't believe they have to go to an Article 78
5 proceeding?

6 THE COURT: That is correct.

7 MS. DEJONG: The next thing, the board made a
8 well-reasoned decision --

9 THE COURT: If I ask you what you want me to do,
10 you are telling me they made a -- well, fine, final
11 decision. I have to decide that.

12 MS. DEJONG: I would ask you to deny the
13 preliminary injunction motion and grant our motion to
14 dismiss.

15 THE COURT: Denied.

16 I'm trying to find out if you want a trial on
17 the preliminary or let's go right to trial on the issue.

18 MS. DEJONG: Your Honor, I apologize. I'm not
19 clear on what you are saying.

20 Are you saying go on a trial today with
21 regard --

22 THE COURT: Not today. If you have more
23 discovery, I'll give you time and then we'll go to trial.

24 MS. DEJONG: Your Honor, will you not make a
25 decision with regard to the preliminary injunction motion